

IBM Docket No. YOR920010260US2

**REMARKS**

Reconsideration is respectfully requested in view of any changes to the claims and the remarks herein. Please contact the undersigned to conduct a telephone interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment.

Applicants respectfully disagree with the Examiner's comments that applicants' clearly are not directed to substantially the same invention as the claims of US. Pub. 2002/0089874A1.

Claims 21-40 have been objected to in under 37 CFR 1.75 as being substantially duplicate of claim 1-20. Applicants respectfully disagree. Claim 1-20 are structure or apparatus claims, and claim 21-40 are method claims. Thus claims 21-40 are not substantially duplicates of claims 1-20.

Claims 1-40 have been previously rejected under 35 USC 101 as claim to the same invention of US Application No. 10/128,838, now issued as US patent 6,774,674. The claims of US 6,724,674 are not identical to claims 1-40 of the present application. Thus a double patenting rejection is not proper, applicants will submit a terminal disclaimer for the present application over US 6,724,674, when claims are allowable in the present application, if warranted.

Claims 41-60 have been rejected under 35 USC 102(b) as anticipated by Uver Wille et al, (US 4,464,437). Applicants respectfully disagree. The Examiner refers to Col 3, Claims lines 39-48 of Uver Wille et al., in which there is no teaching of applying at least one magnetic field.

In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in

Serial No. 10/615,147

2

IBM Docket No. YOR920010260US2

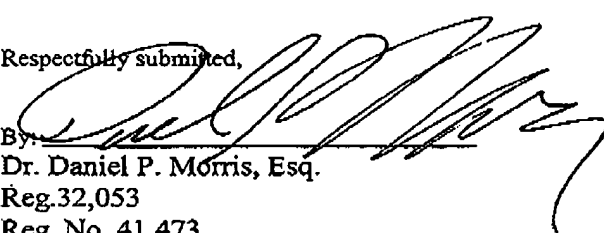
the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner,... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Respectfully submitted,

By:   
Dr. Daniel P. Morris, Esq.  
Reg.32,053  
Reg. No. 41,473

IBM Corporation  
Intellectual Property Law Department  
P. O. Box 218  
Yorktown Heights, New York 10598  
Telephone No.: (914) 945-2144

Serial No. 10/615,147

3

IBM Docket No. YOR920010260US2

**OFFICIAL**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUN 11 2004

In re Application of Applicants:

Date: June 11, 2004

David W. Abraham et al

Group Art Unit: 2818

Serial No.: 10/615,147

Examiner: Thong Quoc Le

Filed: July 8, 2003

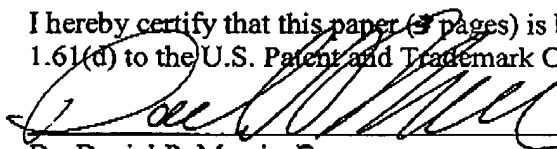
Docket No.: YOR920010260US2

For: MEMORY STORAGE DEVICE WITH HEATING ELEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (3 pages) is being facsimile transmitted under Rule 37 CFR 1.61(d) to the U.S. Patent and Trademark Office to (703)872-9306 on June 11, 2004.

  
Dr. Daniel P. Morris, Esq.  
Reg.32,053  
Reg. No. 41,473

**RESPONSE TO OFFICE ACTION DATED MARCH 11, 2004**

Serial No. 10/615,147

1